



Meeting Minutes
Planning Commission

Tuesday, January 17, 2023

1:30 PM

Council Chambers

[22-38RZ](#)

Milano PUD Zoning Map Amendment (Quasi-Judicial)
(Continued from 1-17-23 and 3-7-23 Planning Commission Meeting)
Staff: Roger Clark, AICP, Planning and Zoning Director and Nicole Tremblay, AICP, Senior Planner
Agent: Jeffery A. Boone, Esq., Boone Law Firm
Owner/Applicant: Border and Jacaranda Holdings, LLC

Chair Willson announced this is a quasi-judicial hearing, read the memorandum regarding advertisement, and written communications, and opened the public hearing.

Chair Willson spoke regarding meeting decorum and indicated audience participation is limited to three minutes.

City Attorney Fernandez questioned Commission members concerning ex-parte communications and conflicts of interest. Ms. MacDonald, Mr. Hale, Ms. Schierberg, Mr. Willson, Mr. McKeon, and Dr. Graser disclosed site visits. Mr. Jasper disclosed site visit and being approached by numerous residents of Venetian Golf and River Club. Mr. Jasper confirmed he could remain fair and impartial.

City Attorney Fernandez noted it is quasi-judicial decision based solely on record presented, supported by code, Comprehensive Plan, and State laws, public opinion cannot impact decision, and a court reporter was present.

Attorney Dan Lobeck, representing North Venice Neighborhood Alliance, Inc. spoke regarding the importance of in person testimony.

Attorney Jeffrey Boone, Agent, noted no objection to affected party status.

A motion was made by Mr. McKeon, seconded by Ms. Schierberg, to accept North Venice Alliance Inc's request for affected party status. The motion carried unanimously by voice vote.

Attorney Dan Lobeck, representing Suzanne Metzger, Gary Scott, Richard Cordner, Kenneth Baron, and Jill Pozarek noted the affected party status is for the North Venice Neighborhood Alliance and five separate individuals.

Discussion took place regarding time allowance for affected parties and Gary Scott withdrew his individual request and confirmed his inclusion with representation by Attorney Lobeck.

Attorney Jeffrey Boone, Agent, noted no objection to affected party status.

A motion was made by Ms. Schierberg, seconded by Dr. Graser, to accept Suzanne Metzger, Richard Cordner, Kenneth Baron, Jill Pozarek, and Gary Scott's request for affected party status. The motion carried unanimously by voice vote.

Attorney Kevin Marco, representing Venetian Golf and River Club Property Owners Association, spoke on being a 1300 resident property bordering the petition property.

Attorney Jeffrey Boone, Agent, noted no objection for Venetian Golf and River Club Property Owners Association's affected party status.

Olen Thomas withdrew his request for affected party status.

A motion was made by Mr. McKeon, seconded by Ms. Schierberg, to accept Venetian Golf and River Club Property Owners Association's request for affected party status. The motion carried unanimously by voice vote.

Attorney Jeffrey Boone requested clarification on presentation times and rebuttal times.

Planning and Zoning Director Clark, being duly sworn, spoke on staff role for processing application, staff report of facts, staff does not have decision authority. Senior Planner Tremblay, being duly sworn, presented general information, reviewed under old Land Development Code, project description, aerial map, location map, existing conditions, future land use map, zoning map, site photos, surrounding land uses, planning analysis, consistency with Comprehensive Plan, open space element, environmental study, former Transitional Strategy LU 4.1.1, compliance with Land Development Code, findings of fact, Public Facilities concurrency, Transportation, Transportation issues can be reviewed for compatibility, recommendation of using Institute of Transportation Engineers (ITE) manual, conclusion, and answered Commissions questions regarding Myakka River Credit, clarification of term: Neighborhood, number of homes in area, populations estimates, current percentage of properties built out, growth in density considered in traffic study, and exception for buffering on south side.

Attorney Markow had no questions for applicant.

Attorney Lobeck, being duly sworn questioned the difference between regional and neighborhood center, if property is intended to serve needs

of only the Planned Unit Development (PUD), traffic study, methodology used by city, approval by city, and traffic impact analysis submitted.

Attorney Markow had no questions.

Attorney Boone, being duly sworn, questioned when the traffic impact is reviewed, if applicant submitted documentation needed for hearing today, technical disagreement between traffic consultants, new traffic study submitted on 01/17/2023, and if Milano approved plats are considered in traffic studies.

Recess was taken from 2:49 p.m. till 2:56 p.m.

Pat Neil, Applicant and Attorney Jeff Boone, Agent, being duly sworn, presented team, company information, proposal, standards for review, building heights, setbacks, compatibility with surrounding area, access to property, neighborhood uses compared to regional scales, and lighting.

Alec Hoffner, being duly sworn, presented credentials, environmental preservations, site map, history of wetland, long term viability, Myakka Mitigation Bank, listed species survey, maintaining wetland to west, coordination with Florida Fish and Wildlife Conservation (FWC), and connection to stormwater management system.

Frank Domingo, being duly sworn, presented credentials, location of neighboring grocery stores, estimated traffic reduction, using ITE generation manual versus local data, ITE land use 210 trip study, Laurel Road improvements, and operational analysis.

Pat Neil presented community outreach efforts, neighborhood meetings, buffers, previous communication, signed petitions received, populations, consistency with requirements with PUD and surrounding areas, open space requirements, potential convenience for homeowners, and open space dedication.

Attorney Lobeck questioned applicant on location in developments, square footage of grocery store, serving needs of neighborhood, compatibility with neighborhood, intended market area of project, news article from January 15, 2022 quote regarding traffic, number of homes and Neighborhoods in Milano PUD, and if final plats had been filed.

Attorney Boone responded with information of similar neighborhoods reviewed in past.

Attorney Lobeck questioned consultant Domingo on location of surrounding grocery stores, if surrounding area traffic would use

proposed property, Traffic Area Zone (TAZ), if Milano PUD is its own TAZ, if surrounding areas were included in TAZ reviewed, was traffic study based on site development plan, maximum traffic generated, any other traffic studies done, if applicant asked city to deduct homes that were not platted from trip generation, and open space dedication.

Attorney Lobeck questioned consultant Hoffman on conservation easement, scale of plat, wetland language in Comprehensive Plan, Myakka Mitigation Bank, if reduction of size of site would reduce impact to wetland, and ways to minimize wetland impact.

Attorney Boone redirected the PUD regulation of 5% commercial development in a PUD, if area is developed residential would have same impact, and if same analysis was done for PUD proposal.

Recess was taken from 4:23 pm until 4:33 pm.

Attorney Lobeck, representing North Venice Neighborhood Alliance Inc, being duly sworn presented the maximum 5% of commercial property in PUD. Jan Norsoph, being sworn, presented credentials, Comprehensive Plan and Open Space Elements key points, land use consistency and compatibility, Strategy LU 1.2.16, PUD district requirements, 2017 PUD approval, scale of project, surrounding commercial areas, effect on property values, open space, wetland, compatibility with existing neighborhoods, land use intensity, PUD district requirements, and recommendation for denial.

Attorney Lobeck presented on past PUD approval, site diagram, aerial map, environmental study, southern buffer elimination, final plat has been done for Cielo, image of Cielo plat tracts, rights to amend after final plat, requirement for unified control, ownership, staff review of application response, plat map of Cielo, inconsistency with Comprehensive Plan and LDRs, provision in Cielo declaration, Section 86-130B8, open space dedication, and image of PUD Master Plan.

Attorney Boone questioned consultant Norsoph history of expert testimonies and his methodology.

Attorney Lobeck questioned consultant Norsoph about testimonies before boards.

Discussion took place regarding continuing or finishing public hearing this meeting.

Recess was taken from 5:31 p.m. to 5:41 p.m.

City Attorney spoke to continue hearing to Feb 21, 2023 at 1:00 p.m.

Attorney Lobeck, representing Suzanne Metzger, Richard Cordner, Kenneth Baron, Jill Pozarek, and Gary Scott, spoke on open space dedication, final plat already approved, open space dedication for Ceilo is past due, LDR Section 86-570, Cielo Declaration, traffic concerns, study not specific to direct area, current study does not meet methodology City uses, showed graphic of proposed elevation, LDR Section 86-130r, commercial uses to serve need of PUD and not surrounding area, Comprehensive Plan in regards to scales, location, protecting wetlands, deficiencies in environmental study, concerns for wildlife, materials needed for application, and inconsistency with Comprehensive Plan and LDRs.

A motion was made by Mr. McKeon, seconded by Ms. Schierberg, to continue the hearing for PUD Zoning Map Amendment Petition No. 22-38RZ to the February 21, 2023 Planning Commission meeting. The motion carried unanimously by voice vote.